

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

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RF MICRO DEVICES, INC.,	:	
	:	
Plaintiff,	:	No.: 12-CV-967
	:	
- against -	:	
	:	
JIMMY S. XIANG, XIAOHANG DU,	:	
FENG WANG and VANCHIP	:	
TECHNOLOGIES LTD.	:	
	:	
Defendants.	:	
-----X	:	

DECLARATION OF
BENJAMIN BAI IN
FURTHER SUPPORT OF
PLAINTIFF'S MOTION FOR
ORDER OF ATTACHMENT

DECLARATION OF BENJAMIN BAI

I, Benjamin Bai, declare under penalty of perjury as follows:

1. I am a partner at Allen & Overy LLP, counsel for plaintiff RF Micro Devices Inc. ("RFMD"), and I make this declaration in support of RFMD's motion for an order of attachment with respect to the property of defendants Jimmy S. Xiang and Xiaohang Du.

2. On August 13, 2012, I directed local counsel in Shanghai to file a trade secret misappropriation suit on behalf of RFMD in the Shanghai First Intermediate People's Court against Mr. Xiang, Mr. Du, Vanchip (Tianjin) Electronic Technology Co., Ltd. ("Vanchip Tianjin"), and Shanghai Vanchip Electronic Technology Co., Ltd. ("Vanchip Shanghai").

3. According to public records, Vanchip Tianjin is the parent company of Vanchip Shanghai, of which Messrs. Xiang and Du are officers.

4. On the same day that the Shanghai action was filed, defendant Vanchip Technologies, Ltd., a North Carolina company, was dissolved. According to corporate records available from the North Carolina Secretary of State, defendant Feng Wang was the president of defendant Vanchip Technologies, Ltd.

5. I retained a private investigation firm in China to assist in locating defendants for service of process and identifying assets in China that could be seized to ensure payment of any judgment.

6. The private investigation firm reported to me the Mr. Du has a residence in Shanghai located at Room 601, Unit 1, Building Qi-ming, Dawn Garden, Biyun International Community, 358 Hongfeng Road, Pudong District, and that Mr. Xiang has a residence in Beijing located at Apt# 9-11-1102, No. 2, Jinchan Joy Garden, West Jinchan Road, Chaoyang district.

7. The investigation firm also reported that Messrs. Du and Xiang had offices at Vanchip's operations in Shanghai and Beijing, respectively. The private investigation firm spoke with employees at the Shanghai and Beijing offices of Vanchip, who confirmed that Messrs. Du and Xiang worked out of those offices, respectively.

8. The private investigation firm further reported that, although Messrs. Du and Xiang had been located in China prior to the filing of the Shanghai suit, they had

been frequently changed their travel patterns and were, therefore, difficult to locate.

9. While previously employed by RFMD, Mr. Du provided RFMD a Chinese identification card. Such identification cards are issued only to Chinese nationals. It appears, however, that Mr. Du's Chinese identification card may be a forgery.

10. The private investigation firm also provided me information relating to four bank accounts associated with Vanchip, three in the name of Vanchip Tianjin and one in the name of Vanchip Shanghai.

11. In China, the filing of a complaint is subject to court approval. On August 22, 2012, the Shanghai court accepted RFMD's complaint for filing.

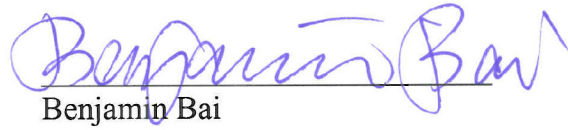
12. Together with the complaint, RFMD filed a petition for property preservation (*i.e.*, asset seizure) with respect to the four company bank accounts. This petition was granted on August 27, 2012.

13. A judge from the Shanghai court executed the seizure order against the bank account held by Vanchip Shanghai in Shanghai on August 28, 2012, but the bank informed the judge that the account had recently been closed.

14. The following day, August 29, 2012, the judge executed the seizure order against three bank accounts held by Vanchip Tianjin. The judge learned that, in fact, Vanchip Tianjin had only one active bank account with the Tianjin bank, and the reason that it appeared to have three accounts was that it had opened and closed the

accounts in succession. The active account contained approximately \$125,000, which the judge seized.

Dated: September 4, 2012


Benjamin Bai